Harvis & Fett

GABRIEL P. HARVIS
BAREE N. FETT

September 4, 2017

BY ECF
Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Aragonez v. City of New York, et al.*, 16 CV 1794 (ARR) (CLP)

Your Honor:

I represent plaintiff in the above-referenced civil rights action. I write to respectfully request that the deposition schedule set out in plaintiff's status report dated July 17, 2017 (DE #48) be deemed amended *nunc pro tunc* as described herein. Counsel for defendant Phillips consents to this request. E-mails seeking the position of counsel for the City of New York and the other individual defendants were not returned as of this writing. The undersigned apologizes for the untimeliness of this submission.

In the July 17th letter, the parties proposed that plaintiff's deposition take place tomorrow. *Id.* This office communicated the date and time of the deposition to Mr. Aragonez, who is 19, on August 17, 2017. However, we have been unable to reach him since that time to confirm the deposition, despite daily efforts since August 29, 2017. The undersigned suspects that Mr. Aragonez may be in the Dominican Republic, where he travels frequently with his family.
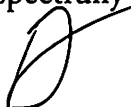
If it should please the Court, the undersigned will escalate efforts to reach Mr. Aragonez including, if necessary, hiring an investigator, and has every expectation that Mr. Aragonez will be available to attend his deposition within 30 days.

Hon. Cheryl L. Pollak
September 4, 2017

Accordingly, plaintiff respectfully requests that: 1) his July 17th status report be deemed amended to propose an October 4, 2017 deadline for plaintiff's deposition; and 2) the amended proposed schedule be endorsed by the Court.

Thank you for your consideration of this request.

Respectfully submitted,

Gabriel P. Harvis

cc: Douglas LaBarbera, Esq.
       Pernell Telfort, Esq.

So Ordered

/s/ Cheryl L. Pollak

USMJ

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